

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMIE LEE HOPKINS,

Defendant.

No. 08-30226-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

Now before the Court is the Government's June 5, 2009 motion in limine (Doc. 32). Defendant Hopkins concedes the merits of the Government's requests during the pretrial conference June 10, 2009. Based on that and the following, the Court **GRANTS** the Government's motion.

First, the Government moves to Court to preclude Defendant from defining or attempting to define reasonable doubt to the jury. The Court **GRANTS** this request. *See United States v. Bruce*, 109 F.3d 323, 329 (7th Cir. 1997) ("It is well established in this Circuit, however, that neither trial courts nor counsel should attempt to define 'reasonable doubt' for the jury.").

Second, the Government moves the Court to preclude Defendant from arguing any potential sentence to the jury. The Court **GRANTS** this request. *See Shannon v. United States*, 512 U.S. 573, 579 (1994) ("when a jury has no

sentencing function, it should be admonished to ‘reach its verdict without regard to what sentence might be imposed.’”).

Lastly, the Government moves to preclude the Defendant from presenting any argument or otherwise attempting to suggest the possibility of jury nullification. The Court **GRANTS** this request. *See United States v. Smith*, 337 F.3d 935, 938 (7th Cir. 2003)(“A Defendant has of course no right to ask the jury to disregard the judge’s instructions(‘jury nullification’).” (citing *Sparf v. United States*, 156 U.S. 51 (1895); *Gibbs v. VanNatta*, 329 F.3d 582, 584 (7th Cir. 2003); *United States v. Bruce*, 109 F.3d 323, 327 (7th Cir. 1997); *United States v. Manning*, 79 F.3d 212, 219 (1st Cir. 1996))).

Accordingly, the Court **GRANTS** the Government’s June 5, 2009 motion in limine (Doc. 32).

IT IS SO ORDERED.

Signed this 11th day of June, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**